

01-*R*-0500

Entered - 01/11/01 - sb  
CL01L0029 - DIANNE C. MITCHELL

CLAIM OF: **TOKIO MARINE MANAGEMENT, INC. AS  
SUBROGEE OF YOSHIE EHARA**  
One Ravinia Drive  
Suite 1130  
Atlanta, Georgia 30346

COUNCIL

APR 02 2001

ADOPTED BY

For damages alleged to have been sustained as a result of a vehicular accident on December 5, 2000 at Interstate 75/85 northbound.

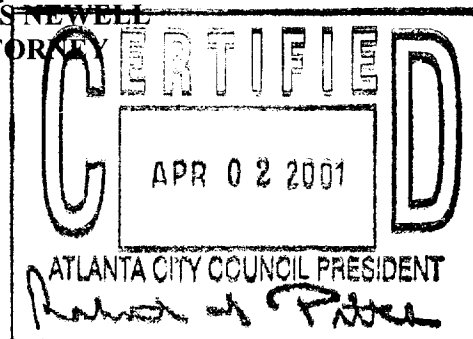
BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **TOKIO MARINE MANAGEMENT, INC. AS SUBROGEE OF YOSHIE EHARA** the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on December 5, 2000 at Interstate 75/85 northbound as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:

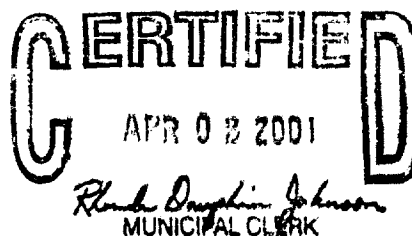
*Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY



APPROVED

APR 11 2001

WITHOUT SIGNATURE  
BY OPERATION OF LAW



WARRANTABLE REPORT

Public Safety

3/27/01

*Cleta Harrison*

*Michael R. [unclear]*

*[unclear]*



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**01-R-0500**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Tokio Marine Management, Inc. as subrogee of Yoshie Ehara** in the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **a vehicular accident on December 5, 2000 at Interstate 75/85 Northbound** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

APR 02, 2001

APR 11, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0029

Date: March 9, 2001

Claimant /Victim TOKIO MARINE MANAGEMENT, INC. AS SUBROGEE OF YOSHIE EHARA

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: One Ravinia Drive, Suite 1130, Atlanta, Georgia 30346

Subrogation: Claim for Property damage \$ 2,637.04 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 01/11/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 12/05/00 Place: Interstate 75/85 northbound

Department Fire Division: \_\_\_\_\_

Employee involved Darryl J. Levette Disciplinary Action: Two Day Suspension

NATURE OF CLAIM: The driver of the City vehicle was unable to maintain his lane when he applied the brakes and collided with the claimant's vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver X Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 2,000.00 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 0309-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

**TOKIO MARINE MANAGER, INC.**  
UNITED STATES MANAGER FOR  
THE TOKIO MARINE AND FIRE INSURANCE CO., LTD.  
U.S. Branch  
One Ravinia Drive  
Suite 1130  
Atlanta, Georgia 30346  
Phone: (770) 399-5522  
Rapifax: (770) 395-7967  
CLAIMS OFFICE-Phone: (770) 399-9262 X 3231



January 10, 2001

**ENTERED - 1-11-01 - SB**  
**01L0029 - DIANNE MITCHELL**

*DM Mitchell*  
*01/10/01*  
*[Signature]*

City of Atlanta Law Department  
Attn: Diane Mitchell  
68 Mitchell Street, SW Suite 4100  
Atlanta, GA 30335-0332

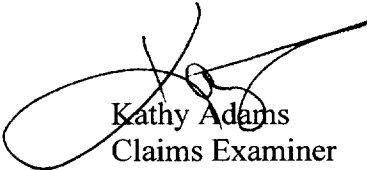
REF: Claim #: 600100023249  
Our Insured: Yoshie Ehara  
City of Atlanta Driver: Darryl Levette - City of Atlanta Fire Department  
D/L: 12/5/00  
Location of Accident: I-85 & I-75, Atlanta

Dear Ms. Mitchell:

This will serve to put the City of Atlanta on notice of our intent to file a claim concerning an auto accident (referenced above) that was caused by the negligence of Mr. Levette.

Our official claim will be forthcoming.

Sincerely,

  
Kathy Adams  
Claims Examiner

/ka

cc: Yoshie Ehara  
3469F Morningside Village Lane  
Doraville, GA 30340

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0029

\$ 2,000.00

IN CONSIDERATION of the sum of TWO THOUSAND AND NO/100  
\_\_\_\_\_ DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby  
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever  
discharge said City, its officers and employees, including but not limited to Darryl J. Levette, from any and  
all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for  
or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident


which occurred on or about the 5<sup>th</sup> day of December, 2000,

at or near Interstate 75/85 northbound.

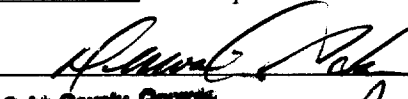
It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

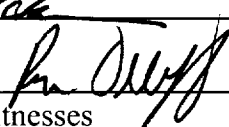
And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 8<sup>th</sup> day of March, 2001.

  
\_\_\_\_\_  
**TOKIO MARINE MANAGEMENT, INC.**  
**AS SUBROGEE OF YOSHIE EHARA**

The above release was read and explained to, and signed by the said Kary Stephens  
for Tokio Marine in our presence on the date above written.

  
\_\_\_\_\_  
Notary Public, Cobb County, Georgia  
My Commission Expires September 18, 2004

  
\_\_\_\_\_  
Witnesses

01-R-0500

RCS# 2775  
4/02/01  
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 13

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Unanimous

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0345  
01-O-0526  
01-R-0541

CONSENT

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**04/02/01 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-0225
2. 01-O-0534
3. 01-O-0528
4. 01-O-0539
5. 01-O-0530
6. 01-O-0531
7. 01-R-0527
8. 99-R-2071
9. 01-R-0368
10. 01-R-0481
11. 01-R-0536
12. 01-R-0537
13. 01-R-0550
14. 01-R-0484
15. 01-R-0485
16. 01-R-0486
17. 01-R-0487
18. 01-R-0293
19. 01-R-0425
20. 01-R-0457
21. 01-R-0418
22. 01-R-0483
23. 01-R-0549
24. 01-R-0500
25. 01-R-0501
26. 01-R-0502
27. 01-R-0503
28. 01-R-0504
29. 01-R-0505
30. 01-R-0506
31. 01-R-0507
32. 01-R-0508

**ITEMS ADVERSED  
ON CONSENT AGENDA**

33. 01-R-0509
  34. 01-R-0510
  35. 01-R-0511
  36. 01-R-0512
  37. 01-R-0513
  38. 01-R-0514
  39. 01-R-0515
  40. 01-R-0516
  41. 01-R-0517
  42. 01-R-0518
  43. 01-R-0519
  44. 01-R-0520
  45. 01-R-0521
  46. 00-R-1361
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